JUNE 22, 2021

AGENDA ITEM 2 INFORMATION ITEM

CALSAVERS RETIREMENT SAVINGS BOARD

Executive Director's Report

Review of Program Participation and Funding

- Summary of Program Participation and Funding, May 31, 2021 (Attachment 2A)
- Employer response rates as of June 10, 2021:

Wave (Deadline)	Employers	Employers	Total	Total Estimated	Employer
	Registered	Exempted**	Employers	Eligible	Response
		_	Responded	Employers*	Rate
Wave 1 (9/30/20)	1,930	4,259	6,189	8,033	77.0%
Wave 2 (6/30/21)	2,180	2,902	5,082	11,018	46.1%
Wave 3 (6/30/22)	7,309	42,293	49,602	282,069	17.6%
Total	11,419	49,454	60,873	301,120	20.2%

^{*}Total Estimated Eligible Employers is the number of employers with at least five employees reported to the Employment Development Department calculated on a four-quarter average basis in calendar year 2020, less employers known to be exempt based on public data (Form 5500) accessed via the U.S. Department of Labor.

Update on COVID-19 Response

- Business continuity; expectations for resumption of in-person Board meetings
- Substantial decline in support required for participants in the money market fund following the change in the default investment option on April 8, 2021, with sweep of assets to the target date fund series on May 10, 2021. A total of \$143,852 was redirected from Program Administrator's marketing commitment from March 2020 through June 4, 2021; \$2,684 since May 10, 2021.

Staffing

• Open recruitments for: Staff Services Manager II (Outreach and Education) and Staff Services Manager I (Administrative Operations). Applications due June 12, 2021.

^{**}An employer that moved from non-exempt to exempt based on the annual recalculation of employer size described above is included as exempt in this table.

Budget

- As of April 30, 2021, the most recent available reporting, the program spent \$1,495,432 in loan funding in fiscal year 2020-21 and a total of \$6.5 million since inception in November 2016. (Detailed budget summary in Attachment 2B)
- Follow-up on the Board's discussion about the possibility of pursuing loan forgiveness during the Board meeting on May 19, 2021.

Audits

- Administrative Fund Audit FY 19-20: Complete (Attachment 2C)
- Program Fund Audit FY 19-20: Final Revisions

Risk Monitoring

• Quarterly risk heat map (Attachment 2D)

Contracts Executed Under Delegated Authority and Upcoming Contracts/Renewals

None

In Home Support Services (IHSS) Provider Inclusion Update

- Resolution of federal policy impediments
- Resumption of research and analysis prescribed in Government Code Section 100046(a):
 - 1. The inclusion meets all state and federal legal requirements.
 - 2. The appropriate employer of record has been identified for the purpose of satisfying all the program's employer requirements.
 - 3. The payroll deduction can be implemented at reasonable costs.
 - 4. The inclusion does not create a financial liability for the state or employer of record.
- Engagement with labor union leaders, Department of Finance, Department of Social Services

Legislation and Policy Update

California Legislation

- Budget Acts of 2021: Assembly Bill (AB) 214 and Senate Bill (SB) 112 would change startup loan repayment dates to 2024
- Monitoring AB 470 (Carrillo): Passed out of Assembly May 27, referred to Senate Committee on Health, Board support letter sent to Committee June 10, 2021

CalSavers Regulations

- Regular Rulemaking: Staff are refining estimates of economic and fiscal impact of the rulemaking
- Readoption of Existing Emergency Regulations: Readoption of current emergency regulations approved by Board July 2020 was initiated June 10, 2021

Federal Rulemaking & Legislation

- U.S. Department of Labor on the Inclusion of ESG (environmental, social, and governance factors) in ERISA Plans: March 10, 2021 announcement of suspension of enforcement of new rule pending review; May 20, 2021 President Biden issued executive order directing the Secretary of Labor to consider suspending, revising, or rescinding the rule by September 2021
- Securing a Strong Retirement Act "SECURE Act 2.0": ongoing monitoring
- Enhancing Emergency and Retirement Security Act: introduced May 27, 2021, would allow one no-tax, no-fee withdrawal up to \$1,000 annually from qualified retirement plans

External Presentations

A summary of external presentations provided since the last Board report and upcoming external presentations is included below.

	Date	Organization	Event	Location	Audience
1.	3/18/21	CalSavers	Employer Educational Webinar	Webinar	Employers
2.	3/18/21	University of California	Applied Behavioral Economics for	Online	Academic
		Berkeley	Information Systems, Case Study	Class	
3.	3/19/21	CalSavers	Employer Educational Webinar	Webinar	Employers
4.	3/23/21	CalSavers	Employer Educational Webinar	Webinar	Employers
5.	3/24/21	CalSavers	Employer Educational Webinar	Webinar	Employers
6.	3/25/21	Solano Hispanic Chamber of	Introduction to CalSavers	Webinar	Employers
		Commerce	(Spanish)		
7.	3/26/21	North State Society of Human	Coffee and HR Conversations	Webinar	Employers
		Resource Managers (SHRM)			
8.	3/26/21	CalSavers	Employer Educational Webinar	Webinar	Employers
9.	3/29/21	CalSavers	Employer Educational Webinar	Webinar	Employers
10.	3/30/21	Mill Valley Chamber of	Introduction to CalSavers	Webinar	Employers
		Commerce w/ Edward Jones			
11.	4/1/21	CalSavers	Employer Educational Webinar	Webinar	Employers
12.	4/2/21	CalSavers	Employer Educational Webinar	Webinar	Employers
13.	4/6/21	CalSavers	Employer Educational Webinar	Webinar	Employers
14.	4/7/21	Treasurer Fiona Ma w/	State Resources for Agricultural	Webinar	Employers
		Imperial Valley Growers	Employers		
		Association			
15.	4/7/21	CalSavers	Employer Educational Webinar	Webinar	Employers
16.	4/8/21	United Way of California	Financial Resources Week;	Webinar	Community
			Savings for All Families: From		
			Childhood to Retirement		
17.	4/9/21	CalSavers	Employer Educational Webinar	Webinar	Employers
18.	4/12/21	CalSavers	Employer Educational Webinar	Webinar	Employers
19.	4/14/21	Society for Human Resource	State HR Advocacy & Legislative	Virtual	Industry
		Management	Conference		
20.	4/14/21	CalSavers	Employer Educational Webinar	Webinar	Employers
			(Spanish)		
21.	4/15/21	CalSavers	Employer Educational Webinar	Webinar	Employers
22.	4/16/21	CalSavers	Employer Educational Webinar	Webinar	Employers

	Date	Organization	Event	Location	Audience
23.	4/19/21	United Chambers of the San	California's Retirement Mandate	Webinar	Employers
		Fernando Valley Government	& CalSavers		
		Affairs			
24.	4/20/21	Treasurer Fiona Ma and The	California's Retirement Mandate	Webinar	Employers
		Office of Senator Wieckowski	& CalSavers		
25.	4/20/21	CalSavers	Employer Educational Webinar	Webinar	Employers
26.	4/21/21	CalSavers	Employer Educational Webinar	Webinar	Employers
27.	4/22/21	CalSavers	Employer Educational Webinar	Webinar	Employers
			(Mandarin)		
28.	4/23/21	CalSavers	Employer Educational Webinar	Webinar	Employers
29.	4/26/21	CalSavers	Employer Educational Webinar	Webinar	Employers
30.	4/27/21	BizFed	Small Business/Labor &	Webinar	Employers
			Employment Committee		
31.	4/28/21	CalSavers	Employer Educational Webinar	Webinar	Employers
	1/20/21		(Spanish)		- 42
32.	4/29/21	Ascensus/CalSavers	Payroll Provider Industry	Webinar	Payroll/Industry
			Presentation		
33.	4/29/21	CalSavers	Employer Educational Webinar	Webinar	Employers
34.	4/30/21	Farm Employer Labor	CalSavers & the State's Retirement	Webinar	Employers
		Services (FELS)	Mandate		
35.	4/30/21	Young Invincibles	Why Saving for Retirement	Webinar	Community
			Matters		
36.	4/30/21	CalSavers	Employer Educational Webinar	Webinar	Employers
37.	5/4/21	CalSavers	Employer Educational Webinar	Webinar	Employers
38.	5/4/21	Defined Contribution	Minding the Gap: Democratizing	Webinar	Policy/Industry
		Institutional Investment	U.S. Retirement Savings		
		Association / SPARK Institute			
39.	5/5/21	CalSavers	Employer Educational Webinar	Webinar	Employers
40.	5/6/21	SIT Reducing Poverty	Ways to Save: CalABLE,	Webinar	Industry
		Workgroup	ScholarShare 529 & CalSavers		
41.	5/6/21	CalSavers	Employer Educational Webinar	Webinar	Employers
			(Cantonese)		
42.	5/7/21	Treasurer Fiona Ma w/	Cupertino Small Biz Workshop	Webinar	Employers
		Cupertino Chamber's			
40	7 /F /O.1	Legislative Action Committee		*** 1 .	- ·
43.	5/7/21	CalSavers	Employer Educational Webinar	Webinar	Employers
44.	5/10/21	CalSavers	Employer Educational Webinar	Webinar	Employers
45.	5/12/21	San Mateo Area Chamber of	California's Retirement Mandate	Webinar	Employers
		Commerce	& CalSavers		
46.	5/12/21	CalSavers	Employer Educational Webinar	Webinar	Employers
			(Spanish)		
47.	5/13/21	For Us All with Lawrence	Introduction to CalSavers	Webinar	Employers
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48.	5/13/21	CalSavers	Employer Educational Webinar	Webinar	Employers
<u>49.</u>	5/14/21	CalSavers	Employer Educational Webinar	Webinar	Employers
50.	5/18/21	LA County Center for	CalSavers: Financial resiliency for	Webinar	Community
	# 14 O 15 :	Financial Empowerment	a post-COVID workforce	*** * * *	P 1
51.	5/18/21	CalSavers	Employer Educational Webinar	Webinar	Employers
52.	5/19/21	CalSavers	Employer Educational Webinar	Webinar	Employers
53.	5/20/21	Cupertino Chamber of	California's Retirement Mandate	Webinar	Employers
		Commerce	& CalSavers		
54.	5/20/21	CalSavers	Employer Educational Webinar	Webinar	Employers
			(Mandarin)		

	Date	Organization	Event	Location	Audience
55.	5/21/21	NY Empire Media & AARP	Policy Forum on NY Program	Webinar	Policy
			Proposal		
56.	5/21/21	CalSavers	Employer Educational Webinar	Webinar	Employers
57.	5/24/21	CalSavers	Employer Educational Webinar	Webinar	Employers
58.	5/25/21	CalSavers	Employer Educational Webinar (Cantonese)	Webinar	Employers
59.	5/26/21	Treasurer Fiona Ma w/ Rural County Representatives of California (RCRC)	Conversation About Resources for Local Governments	Webinar	Employers
60.	5/26/21	CalSavers	Employer Educational Webinar (Spanish)	Webinar	Employers
61.	5/27/21	The Office of Senator Min	California's Retirement Mandate & CalSavers	Webinar	Employers
62.	5/27/21	Torrance Area Chamber of Commerce	California's Retirement Mandate & CalSavers	Webinar	Employers
63.	5/27/21	CalSavers	Employer Educational Webinar	Webinar	Employers
64.	5/28/21	CalSavers	Employer Educational Webinar	Webinar	Employers
65.	6/1/21	CalSavers	Employer Educational Webinar	Webinar	Employers
66.	6/2/21	CalSavers	Employer Educational Webinar	Webinar	Employers
67.	6/3/21	Sacramento Hispanic Chamber of Commerce	Buenos Dias Meetup	Webinar	Employers
68.	6/4/21	CalSavers	Employer Educational Webinar	Webinar	Employers
69.	6/7/21	Fortuna Chamber of Commerce	CalSavers Retirement Savings Program	Webinar	Employers
70.	6/7/21	CalSavers	Employer Educational Webinar	Webinar	Employers
71.	6/9/21	Western Pension & Benefits Council, Sacramento	CalSavers Updates	Webinar	Industry
72.	6/9/21	CalSavers	Employer Educational Webinar (Spanish)	Webinar	Employers
73.	6/10/21	CalSavers	Employer Educational Webinar	Webinar	Employers
74.	6/11/21	G7 Pensions & ESG Summit	Keynote Interview: A New Approach to Retirement Savings in America: the CalSavers Model	Webinar	Policy/Industry
75.	6/11/21	CalSavers	Employer Educational Webinar	Webinar	Employers
76.	6/15/21	CalSavers	Employer Educational Webinar	Webinar	Employers
77.	6/16/21	Tulare Chamber of Commerce	CalSavers Retirement Savings Program	Webinar	Employers
78.	6/16/21	CalSavers	Employer Educational Webinar	Webinar	Employers
79.	6/17/21	CalSavers	Employer Educational Webinar (Mandarin)	Webinar	Employers
80.	6/18/21	CalSavers	Employer Educational Webinar	Webinar	Employers
81.	6/21/21	CalSavers	Employer Educational Webinar	Webinar	Employers
82.	6/22/21	CA Farm Labor Contractors Association	CalSavers Retirement Savings Program	Webinar	Employers
83.	6/22/21	CalSavers	Employer Educational Webinar (Cantonese)	Webinar	Employers

Upcoming External Presentations

	Date	Organization	Event	Location	Audience
1.	6/23/21	CalSavers	Employer Educational Webinar	Webinar	Employers
			(Spanish)		
2.	6/24/21	CalSavers	Employer Educational Webinar	Webinar	Employers

	Date	Organization	Event	Location	Audience
3.	6/25/21	CalSavers	Employer Educational Webinar	Webinar	Employers
4.	6/25/21	National Association of State	Retirement Track: Federal	Webinar	Policy/Industry
		Treasurers	Initiatives panel		
5.	6/29/21	National Association of State	Applications of Behavioral	Webinar	Policy/Industry
		Treasurers	Economics panel		
6.	6/29/21	CalSavers	Employer Educational Webinar	Webinar	Employers
7.	6/30/21	CalSavers	Employer Educational Webinar	Webinar	Employers
8.	7/2/21	CalSavers	Employer Educational Webinar	Webinar	Employers
9.	7/7/21	CalSavers	Employer Educational Webinar (Spanish)	Webinar	Employers
10.	7/8/21	CalSavers	Employer Educational Webinar	Webinar	Employers
11.	7/9/21	CalSavers	Employer Educational Webinar	Webinar	Employers
12.	7/13/21	Treasurer Fiona Ma w/ Santa Barbara Tri County EDC	Small Biz Workshop	Webinar	Employers
13.	7/13/21	CalSavers	Employer Educational Webinar	Webinar	Employers
14.	7/14/21	CalSavers	Employer Educational Webinar	Webinar	Employers
15.	7/15/21	CalSavers	Employer Educational Webinar (Mandarin)	Webinar	Employers
16.	7/16/21	CalSavers	Employer Educational Webinar	Webinar	Employers
17.	7/19/21	CalSavers	Employer Educational Webinar	Webinar	Employers
18.	7/20/21	CalSavers	Employer Educational Webinar (Cantonese)	Webinar	Employers
19.	7/21/21	CalSavers	Employer Educational Webinar (Spanish)	Webinar	Employers
20.	7/22/21	CalSavers	Employer Educational Webinar	Webinar	Employers
21.	7/23/21	CalSavers	Employer Educational Webinar	Webinar	Employers
22.	7/27/21	CalSavers	Employer Educational Webinar	Webinar	Employers
23.	7/28/21	CalSavers	Employer Educational Webinar	Webinar	Employers
24.	7/30/21	CalSavers	Employer Educational Webinar	Webinar	Employers
25.	8/2/21	CalSavers	Employer Educational Webinar	Webinar	Employers
26.	8/4/21	CalSavers	Employer Educational Webinar (Spanish)	Webinar	Employers
27.	8/5/21	CalSavers	Employer Educational Webinar	Webinar	Employers
28.	8/6/21	CalSavers	Employer Educational Webinar	Webinar	Employers
29.	8/10/21	CalSavers	Employer Educational Webinar	Webinar	Employers
30.	8/11/21	CalSavers	Employer Educational Webinar	Webinar	Employers
31.	8/12/21	Jurupa Valley Chamber of Commerce	Business Networking Meeting	Webinar	Employers
32.	8/13/21	CalSavers	Employer Educational Webinar	Webinar	Employers
33.	8/16/21	Treasurer Fiona Ma	Chamber of Commerce Workshop	Webinar	Industry
34.	8/16/21	CalSavers	Employer Educational Webinar	Webinar	Employers
35.	8/18/21	CalSavers	Employer Educational Webinar (Spanish)	Webinar	Employers
36.	8/19/21	CalSavers	Employer Educational Webinar	Webinar	Employers
37.	8/24/21	Treasurer Fiona Ma	Chamber of Commerce Workshop	Webinar	Industry
38.	8/24/21	Treasurer Fiona Ma	Chamber of Commerce Workshop	Webinar	Industry
39.	8/24/21	CalSavers	Employer Educational Webinar	Webinar	Employers
40.	8/25/21	Ventura County Community Development Corporation (VCCDC)	Introduction to CalSavers	Webinar	Community
41.	8/25/21	CalSavers	Employer Educational Webinar	Webinar	Employers
42.	8/26/21	CalSavers	Employer Educational Webinar (Mandarin)	Webinar	Employers

	Date	Organization	Event	Location	Audience
43.	8/27/21	CalSavers	Employer Educational Webinar	Webinar	Employers
44.	8/30/21	CalSavers	Employer Educational Webinar	Webinar	Employers
45.	8/31/21	CalSavers	Employer Educational Webinar	Webinar	Employers
			(Cantonese)		
46.	9/1/21	CalSavers	Employer Educational Webinar	Webinar	Employers
			(Spanish)		
47.	9/2/21	CalSavers	Employer Educational Webinar	Webinar	Employers
48.	9/3/21	CalSavers	Employer Educational Webinar	Webinar	Employers
49.	9/7/21	CalSavers	Employer Educational Webinar	Webinar	Employers
50.	9/8/21	CalSavers	Employer Educational Webinar	Webinar	Employers
51.	9/10/21	CalSavers	Employer Educational Webinar	Webinar	Employers
52.	9/13/21	CalSavers	Employer Educational Webinar	Webinar	Employers

Earned Media

Media coverage, including articles, television and radio segments, and podcasts published since the previous Board report, is summarized below. The list includes some republications of articles, but may not include all republications of a given article.

	Date	Publication	Headline/Link
1	3/16/2021	National Law Review	Don't Forget About Mandated Retirement Plans for California Employers
2	3/22/2021	MarketWatch	It's time to close the racial retirement gap
3	3/24/2021	The Daily Retirement News	Don't Forget About Mandated Retirement Plans for California Employers
4	3/25/2021	Insurance News Net	5 Things You Need To Know About The Rise Of State-IRA Programs
5	4/6/2021	Los Angeles Times	Free banking in California? New bill tackles access and racial equity
6	4/7/2021	BenefitsPro	Despite crushing fee pressure in the retirement industry, opportunities still exist
7	4/8/2021	Pensions & Investments	<u>Treasurer: CalSavers hits 10,000-plus in employer sign-ups</u>
8	4/9/2021	Brookings	What's stopping automatic retirement savings for more workers?
9	4/13/2021	ASPPA Net	Next CalSavers Deadline Approaching
10	4/26/2021	OC Register	Public bank bill puts state where it doesn't belong
11	4/26/2021	Sovereign Wealth Fund Institute	GIC and Stone Point Capital Buy Majority Stake in Ascensus
12	4/29/2021	CalMatters	Californians need state public banking options; here's why
13	5/6/2021	Reuters	California's state-run retirement savings program not preempted by ERISA - 9th Circuit
14	5/6/2021	Los Angeles Times	<u>U.S.</u> appeals court upholds California program for workers without retirement benefits
15	5/6/2021	MSN	U.S. appeals court upholds California program for workers without retirement benefits
16	5/6/2021	Yahoo!	U.S. appeals court upholds California program for workers without retirement benefits
17	5/6/2021	Bloomberg Law	California Auto-Retirement Program Passes Legal Test in 9th Cir.
18	5/6/2021	Courthouse News Service	Ninth Circuit Rejects Bid by Anti-Tax Group to Block CalSavers Retirement Program
19	5/6/2021	Pensions & Investments	Court sides with CalSavers against Jarvis group's effort to halt program
20	5/6/2021	Law360	CalSavers Defeats ERISA Preemption Challenge In 9th Circ.

	Date	Publication	Headline/Link
21	5/6/2021	San Francisco	CalSavers state pension plan survives challenge by Jarvis taxpayers group
		Chronicle	
25	5/6/2021	Tax Notes	Ninth Circuit Holds CalSavers Not Preempted by ERISA
22	5/7/2021	The Wall Street	California's Program for Those with No Retirement Plan Defeats Court
		Journal	<u>Challenge</u>
23	5/7/2021	Bloomberg Law	Auto-IRA Ruling Poised to Drive Interest in Traditional Plans
24	5/7/2021	ASPPA Net	CalSavers Not Preempted by ERISA, 9th Circuit Says
26	5/7/2021	PlanAdviser	ERISA Suit Against CalSavers Dismissed Again
27	5/7/2021	InvestmentNews	CalSavers upheld in US Court of Appeals case
28	5/7/2021	California Globe	Appellate Court Rules in Favor of CalSavers Retirement Program
29	5/7/2021	Los Angeles Times	The Howard Jarvis Taxpayers Assn. takes the wrong side on retirement
			savings. And loses
30	5/9/2021	Korea Daily	['캘세이버스' 규정은] 직원 5인 이상 업체 내년 6월 말까지 등록해야
			(['Calsavers' regulations] Companies with 5 or more employees must register
			by the end of next June.)
31	5/9/2021	401k Specialist	Court Challenge to State-Sponsored Retirement Plans Fails
32	5/10/2021	JD Supra	This Week at the Ninth: Preemption, New and Old
33	5/11/2021	Chief Investment	CalSavers Survives Legal Challenge
		Officer	
34	5/11/2021	AARP	Court Sides With CalSavers 'Work and Save' Retirement Savings Program
35	5/11/2021	McKnight's Senior	U.S. Court of Appeals upholds California's retirement savings program
0.5	5 /1 0 /2 0 0 1	Living	
36	5/12/2021	NAPA Net	NYC Mayor Signs Mandatory Auto-IRA Program into Law
37	5/13/2021	CNBC	New York City is latest to adopt an 'auto IRA' to enroll workers without a job-based retirement plan
38	5/18/2021	Lexology	The Big Apple Joins a Small Crowd, With Possible Headaches for Local
			Employers
39	5/19/2021	Los Angeles Times	We loved our pensions. Then our employers took them away. How was that
			allowed to happen?
40	5/19/2021	Bloomberg Law	Auto-IRA Laws Spread as States Cope with Lack of Federal Mandate
41	5/19/2021	JD Supra	ERISA Litigation Roundup: Ninth Circuit Holds State IRA Plans Not
			Preempted by ERISA
42	5/21/2021	Bloomberg Law	<u>Tax Group Continues to Battle California Auto-Retirement Program</u>
43	5/26/2021	NAPA Net	Plaintiffs Seek Full Appellate Court Review of CalSavers Decision
44	6/1/2021	JD Supra	U.S. Court of Appeals Upholds CalSavers Program
45	6/7/2021	The Sacramento Bee	Will saving for retirement soon get simpler? Here's what Congress has planned
46	6/7/2021	The Fresno Bee	Will saving for retirement soon get simpler? Here's what Congress has
40	0/ // 2021	The Plesho Dee	planned
47	6/7/2021	JD Supra	Ninth Circuit Rules – State Pension Mandate Not Preempted Even Though
			An Employer Chooses Not To Establish ERISA Plan
48	6/7/2021	Lexology	No ERISA Entanglements With California's State-Run Auto-Enrollment
			IRA, Says Ninth Circuit
49	6/8/2021	ASPPA Net	Next CalSavers Deadline Impending

Attachments

- Attachment 2A: Summary of Program Participation & Funding as of May 31, 2021
- Attachment 2B: Summary of Monthly Budget Report through April 30, 2021
- Attachment 2C: Administrative Fund Audit FY 19-20
- Attachment 2D: Quarterly Risk Heat Map